

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GILBERT RAY POSTELLE,)	
)	
Petitioner,)	
)	
v.)	No. CIV-12-1110-F
)	
JIM FARRIS ¹ , Warden,)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

MOTION FOR APPOINTMENT OF ADDITIONAL COUNSEL

Appointed counsel, on behalf of Petitioner Gilbert Postelle, respectfully moves for the appointment of additional counsel in this matter to represent Petitioner in this proceeding for the purposes of pursuing executive clemency before the Oklahoma Pardon and Parole Board. This motion is made pursuant the Criminal Justice Act and 18 U.S.C. § 3599(e), which provides for the appointment of counsel in capital cases for state clemency proceedings. Petitioner requests the appointment of death penalty habeas panel attorney Gary W. Wood be appointed to assist in representation of Petitioner. In support of this motion, undersigned counsel respectfully shows the Court as follows:

1. The District Court originally appointed Gary W. Wood to represent Mr. Postelle in his federal habeas action on November 13, 2012 in Dkt. No. 9.
2. The appointment of Mr. Wood with an effective date of November 15, 2021, is necessary and proper in order to provide the effective assistance of counsel in

¹ Mr. Farris is the current warden of Oklahoma State Penitentiary, and he is automatically substituted pursuant to Fed. R. Civ. P. 25 (d) as the property party respondent in this case.

this capital case. This is a capital case with a voluminous record which must be reviewed, as appropriate, to determine and facilitate appropriate clemency themes moving forward.

3. Because counsel will be fully occupied at the clemency hearing in Oklahoma City, he cannot be present in McAlester as his client makes his video appearance. It is important that some member of the defense team be present with the client on the day of the hearing. This team member can answer any last-minute questions from the client, and communicate any last-minute advice from counsel. The logical candidate here is Gary W. Wood, who is familiar with both the client and the clemency case.

WHEREFORE, Petitioner moves the Court to appoint panel attorney Gary W. Wood for Petitioner in this matter.

Respectfully submitted,

s/ Robert A. Nance

Robert A. Nance OBA # 6581

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

s/ Robert A. Nance

Robert A. Nance